

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

FAIRVUE CLUB PROPERTIES, LLC,

Debtor.

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CASE NO. 3:09-13807

CHAPTER 11

JUDGE PAINE

**AMENDED EXPEDITED MOTION OF FIRST STATE BANK
FOR RELIEF FROM STAY**

1. Relief Sought. First State Bank (“FSB”), a secured creditor in this case, having a first priority perfected deed of trust lien and security interest on the Debtor’s personal and real property (collectively, the “Property”), requests that it be granted immediate relief from the automatic stay with respect to the Property. Copies of perfection documents are attached to First State Bank’s proof of claim (Claim No. 22-1) filed in this case.

2. Reason for Urgency. On November 2, 2010, this Court ruled that the Debtor’s plan of reorganization was not confirmable because the Debtor’s projections were not realistic. The Debtor’s counsel then advised creditors that Leon Moore had been funding Debtor’s operations, which were experiencing negative cash flow. There apparently was not enough money to cover payroll and payroll taxes, among other things. The Debtor has ceased operations and, on information and belief, has laid off its employees. FSB needs to take immediate possession of the Property, first, to protect it from harm, and second, to have the opportunity to continue its operation as a going concern if FSB chooses to do so. The Debtor has club members who presumably are interested in continuing the club in operation, and FSB is considering that option but would have to act quickly to avoid a prolonged shutdown and the cancellation of scheduled events at the Property. There is no dispute that there is no equity in the Property and that the Property is not necessary for a reorganization. The Debtor has ceased attempts at reorganization.

3. Notice. This Amended Motion has been served as stated on the Certificate of Service below.

4. Hearing. First State Bank does not believe a hearing is necessary unless one is requested by the Debtor or a party in interest. First State Bank requests that an order be entered setting a deadline for objections to this Motion and scheduling a hearing date to consider any objections.

November 10, 2010

Respectfully submitted,

/s/ Robert C. Goodrich Jr.

Robert C. Goodrich Jr. (BPR No. 10454)

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2010, the foregoing *Amended Expedited Motion of First State Bank for Relief from Stay* was filed through the CM/ECF system and served electronically upon all Filing Users accepting Notice of Electronic Filing, and by sending the Amended Expedited Motion, together with the Expedited Order Setting Hearing (DE 160), by first class mail addressed to the Debtor, and by facsimile to counsel for the Debtor and to the U.S. Trustee as set forth below. Parties may access this filing through the Court ECF system.

/s/Robert C. Goodrich Jr.

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